

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

JOHN PAUL MANN,

Plaintiff,

Case no. 1:14-CV-1285 (GTS/TWD)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

APPEARANCES:

OF COUNSEL:

OFFICE OF PETER M. MARGOLIUS  
Counsel for Plaintiff  
7 Howard Street  
Catskill, New York 12414

PETER M. MARGOLIUS, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL COUNSEL  
Counsel for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

LAUREN E. MYERS, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this action filed by John Paul Mann (“Plaintiff”) against the Commissioner of Social Security (“Defendant”) pursuant to 42 U.S.C. § 405(g) seeking Social Security disability insurance benefits and Social Security income benefits, is the Report-Recommendation of United States Magistrate Judge Thérèse Wiley Dancks, issued pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 72.3(c) of the Local Rules of Practice for this Court, recommending that Defendant’s decision denying Plaintiff Social Security disability insurance benefits or Social Security income benefits be reversed and that this matter be remanded to Defendant. (Dkt. No. 13.) The parties have filed no Objection to the Report-

Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety, Defendant's decision is reversed, and this matter is remanded to Defendant.

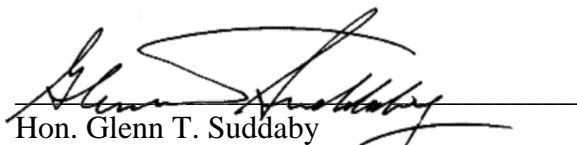
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 13) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant's decision is **REVERSED**; and it is further

**ORDERED** that this matter is **REMANDED** to Defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Decision and Order.

Dated: November 12, 2015  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
Chief, United States District Judge

---

<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).